REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 7-10, 13-16 and 18 are presently active in this case, Claims 1-4, 7-10, 13, 15-16, and 18 having been amended and Claims 5-6 and 11-12 canceled by the present amendment.

In the outstanding Official Action, Claims 1, 2, 4, 7, 8, 10, 13, 14, and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Balakrishnan (U.S. 5,566,208), Claims 5, 11, and 17 were rejected under 35 U.S.C. 102(e) as being anticipated by Goldhor et al. (WO 00/67414), Claims 3, 9, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan in view of Goldhor et al., Claims 6, 12, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhor et al. in view of Cheney et al (U.S. 5,668,599).

In light of the several grounds for rejection, the claims have been amended to clarify the claimed invention and thereby more clearly patentably define over the cited prior art. The amended claims find support in the original specification at page 13, line 3 to page 14, line 10. No new matter has been added.

In light of the amendment to the claims, the outstanding rejection of Claims 1, 2, 4, 7, 8, 10, 13, 14, 16 under 35 U.S.C. 102(b) as being anticipated by Balakrishnan is believed to have been overcome, for the reasons next discussed.

Balakrishnan discloses a system which will compress or encode video information for transmission on a communication network having a transmission bit-rate allocated to such compressed video information which may vary, and a buffer at the destination decompression or decoding receiver of fixed size (Col. 3, line 59-64). The Balakrishna system determines a

transmission timing of packets according to a network bandwidth and transmits the packets at

delayed time. In contrast, Claim 1 recites an image data transmitting apparatus including,

inter alia, a delay unit configured to delay a transmission timing of each of the data packets

by a delay time not less than a minimal transmission interval specific to the image data

transmitting apparatus, to transmit the data packets at intervals corresponding to the delay

time. Unlike the Balakrishnan system, in the claimed invention transmission does on depend

on the condition of the network. Similarly, Claims 7 and 13 recite an image data transmitting

method and an image data transmitting apparatus including the subject matter of Claim 1.

Accordingly, it is respectfully submitted that amended Claims 1, 7 and 13 are not anticipated

by Balakrishan and in fact are patentable over this reference. Correspondingly, it is

respectfully submitted that dependent Claims 2-4, 8-10, and 14-16 are also patentable, based

at least on the patentability of the independent Claims 1, 7 and 13.

Applicants further respectfully traverse the rejection of Claims 3, 9, 15 under 35

U.S.C. 103(a) as being unpatentable over Balakrishnan in view of Goldhor et al..

Goldhor et al. disclose a Capture buffer 400 which buffers data for a predetermined

amount of time and a Capture Buffer Monitor 600 which produces data requests to the

Capture buffer 400 and information representing the amount of data in Capture Buffer 400.

However, Goldhor et al. do not teach the above subject matter of independent Claims 1, 7,

and 13 and thus do not remedy the deficiencies of Balakrishnan. Accordingly, it is

respectfully submitted that Claims 3, 9, 15 are not rendered obvious over combination of
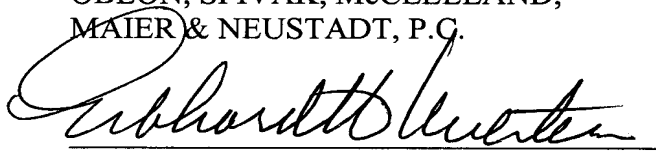
Balakrishnan with Goldhor et al.

In response to the rejection of Claim 18 under 35 U.S.C. 103(a) as being unpatentable

over Goldhor et al. in view of Cheney et al. it is noted that conventionally, the buffer size is

determined according to a bandwidth of encoded data. In contrast, Claim 18 recites a second

controller to vary a data storage size of the storage according to a size of the encoded image data. Neither <u>Goldhor et al.</u> nor <u>Cheney et al.</u> teach the data storage size. Accordingly, the outstanding rejection of Claims 18 is traversed.

Consequently, in view of the present amendment and in light of the above comments, no further issues are believed to be outstanding, and the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

· Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\EHK\21's\213442\213442US-AMENDMENT-4.19.06.DOC